

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**IN RE THE SEIZURE OF:
ONE 2018 FORESTER RECREATIONAL
VEHICLE ("RV"), \$521,550.00 in U.S. CURRENCY,
and MISCELLANEOUS PROPERTY,**

PATRICK N. BARBER,

Movant,

vs.

No. 18-mc-00039-DRH

**UNITED STATES OF AMERICA;
DEPARTMENT OF JUSTICE; DRUG
ENFORCEMENT ADMINISTRATION;
and the UNITED STATES MARSHAL
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Respondents.

MEMORANDUM and ORDER

HERNDON, District Judge:

Before the Court is movant, Patrick N. Barber's ("movant"), Ex Parte Emergency Motion for the Sequestration, Preservation, and Production of U.S. Currency, Police Radio Transmissions, and Visual Recordings or Communication Tape(s) (doc. 2). This motion arises out of an incident that occurred on May 31, 2018, in which movant was pulled over by Pontoon Beach police officers and subjected to a search of his recreational vehicle ("RV") by a police dog. [Doc. 1 at 3-4]. As a result of the search, movant's RV, currency, and other miscellaneous property were seized by the police officers. *Id.* at 4. After reviewing the emergency motion (doc. 2), the Court rules as follows:

A. PRESERVATION OF SEIZED UNITED STATES CURRENCY

Movant alleges that the \$521,550.00 in United States currency that was seized from him on May 31, 2018, is in imminent danger of being destroyed by being placed into a banking institution. [Doc. 2 at 2]. The possibility to obtain a laboratory analysis regarding whether or not the currency contains residue of drugs becomes impossible if the money is placed in a banking institution. *Id.* Accordingly, movant requests that the seized money be preserved. This prayer for relief is **GRANTED**.

The above named defendants are hereby **ORDERED** to preserve the \$521,550.00 in United States currency that was seized from movant on May 31, 2018. The seized bills must be maintained and preserved in such a way that does not include depositing the bills into a financial institution. The seized bills must be maintained and preserved in such a way that allows for future laboratory analysis for drug residue.

B. PRESERVATION OF ANY AND ALL AUDIO, VIDEO, and DIGITAL RECORDINGS OF THE TRAFFIC STOP and ARREST OF MOVANT, including ANY DOG LINEUP WITH THE CURRENCY

Because use of any or all audio, video, and digital recordings (“recordings”) of the traffic stop and arrest may prove necessary in future litigation, the Court hereby **ORDERS** the preservation of any recordings of the stop and arrest of movant on May 31, 2018. Additionally, any video or audio that displays the police dog sniffing movant’s RV for contraband must also be preserved.

C. IDENTIFICATION AND PRESERVATION OF POICE RADIO, AUDIO OR VIDEO COMMUNICATIONS, and ELECTRONIC OR TAPE

RECORDINGS, including TEXT MESSAGES

To the extent possible, the above named defendants are hereby **ORDERED** to identify, sequester, and preserve: 1) any and all police radio, 2) audio or video communications, and 3) electronic or tape recordings, including any text messages, pertinent to this litigation. This includes communications by and between arresting officers of movant, and any other individual attendant to this matter.

Additionally, the above named defendants are **ORDERED** to produce to movant, a copy of each and every identified communication from the enumerated medias above, found to be relevant to the allegations. The production of such communications will be completed without undue delay.

IT IS SO ORDERED.

  Judge Herndon
2018.06.06
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United States District Judge